

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIMINAL CASE NO. 1:11-CR-161-1
JOHNNY REID EDWARDS)	
)	
)	

**JOHN EDWARDS' MOTION *IN LIMINE* TO BAR THE GOVERNMENT FROM
USING INADMISSIBLE HEARSAY**

John Edwards moves under the Sixth Amendment and Federal Rule of Evidence 802 to bar the government from introducing inadmissible hearsay into evidence during a trial in this case. Specifically, the Mr. Edwards seeks to bar hearsay statements of Rachel Mellon and Fred Baron from being introduced into evidence at trial, as well as any hearsay statements that were not made in furtherance of a conspiracy in which Mr. Edwards is alleged to have participated. The basis for this Motion is that the introduction of such statements violates the Confrontation Clause of the Sixth Amendment and that the statements constitute inadmissible hearsay under Rules 801 and 802.

In the alternative, Mr. Edwards requests that the Court exercise its discretion to hold a pretrial evidentiary hearing to determine (1) the statements that the government seeks to introduce under Rule 801(d)(2)(E); (2) the conspiracy that these statements are claimed to have furthered; (3) the connection of Mr. Edwards to any such conspiracies;

and (4) the relevance of any such conspiracies to the issues in this case. See United States. v. James, 590 F.2d 575 (5th Cir. 1979).

Dated: February 15, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2012, I electronically filed the foregoing **Motion in Limine** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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